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Key provisions of the 1964 Civil Rights Bill are explained and typical questions asked about it are answered.

The major provisions of the bill are meant to assure all citizens, regardless of race, color, religion or national origin, their equal rights in voting, public accommodations, education, Federally assisted programs, and employment.

The Attorney General and the Justice Department would be given new powers to initiate or intervene in suits aimed at desegregation in public facilities other than schools, where the injured party is unable to pursue the remedy. The Attorney General is authorized to initiate or intervene in school desegregation cases. To expedite handling of cases filed under the 1957 and 1960 Civil Rights Acts, the bill would authorize the Attorney General or a defendant to ask for trial by a three-judge court, with appeal to the U.S. Supreme Court.

Two new agencies would be set up by the bill: An Equal Employment Opportunity Commission and a 6-man Community Relations Service. The bill also extends the life of the U.S. Civil Rights Commission another four years.

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*"It is time NOW . . ."**

— CIVIL RIGHT ACT--GENERAL —

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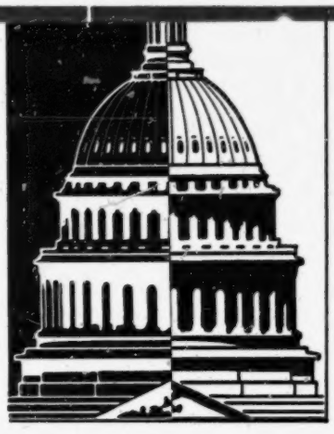

some questions and answers on the civil rights bill

*"We have talked long enough in this country about equal rights. We have talked for 100 years or more. It is time NOW to write the next chapter—and to write it in the books of law." —

PRESIDENT LYNDON B. JOHNSON, *in an address to a joint session of Congress, 11/27/63*

Office of Education-EEOP

Research and Materials Branch

Bennett O. Stalvey

some questions and answers on the civil rights bill

foreword

FEW PIECES OF LEGISLATION have aroused such high hopes and such deep feelings as the Civil Rights Bill now pending before Congress. Introduced in June, 1963, at the request of President John F. Kennedy, it has engaged the attention of House and Senate for many months and has provoked nation-wide discussion.

This pamphlet has several purposes: to explain the key provisions of the bill; to answer some of the questions that have arisen in regard to it; and to consider the reasons that have impelled a bipartisan group of House Democrats and Republicans to pass the measure by a vote of more than 2 to 1* and millions of Americans to join, through their civic, labor and religious organizations, in unprecedented support of the bill.

Finally, we hope this dialogue will help the uncommitted make up their minds about this vital legislation.

*Passed by a vote of 290 to 130, February 10, 1964.

what's in the bill?

THE MAJOR PROVISIONS of the 11 Titles in the bill, whose number is H.R. 7152, are meant to assure all citizens, regardless of race, color, religion or national origin, their equal rights: in voting; in access to hotels, restaurants, theaters and other places of public accommodation and to such other public places as libraries and parks; in education; in Federally-assisted programs; and in employment. To accomplish this, the bill would give the Justice Department additional powers, establish two new agencies—an Equal Employment Opportunity Commission and a 6-man Community Relations Service—and extend the life of the U.S. Civil Rights Commission another four years.

Title I — Protecting Voting Rights

A young Negro veteran in Jackson Parish, La., was rejected on his first attempt to register to vote because the registrar found an error on his application card. He himself was unable to find it after checking and rechecking and when he got up to leave he inquired, "Ma'am, would you do one thing for me?"

"What is that?"

"Will you tell me the mistake I made?"

"Oh, sure. You underlined 'Mr.' when you should have circled it."

—condensed from the U.S. Civil Rights Commission Report on Voting (1961—Pg. 54) on how immaterial errors are used to disqualify Negro voters.

Summary of Title I To further protect voting rights in Federal elections, it would prohibit: (1) the application of different tests, standards, etc. to white and colored voters and (2) the denial of registration for immaterial errors in applications. It would require all literacy tests to be given in writing or transcribed. To expedite handling of cases filed under the 1957 and 1960 Civil Rights Acts, it would authorize the Attorney General or a defendant to ask for trial by a three-judge court, with direct appeal to the U.S. Supreme Court. In any such proceeding it establishes a presumption of literacy for those who have completed the sixth grade.

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Is there really widespread discrimination against Negro voters?

The difference between white and Negro voter registration in certain states of the Deep South is so enormous, it is hard to account for it on any other basis except racial discrimination. In a government sampling of counties in old Confederate states, it was found that while some counties had more registered white voters than the actual number of white inhabitants, no Negroes were registered. In a typical county of this sort, the white population over 21 totaled 2,624; yet there were 2,810 registered white voters, or 107.1 per cent. No one in the qualified Negro population of 6,085 was registered. In another county, although there were 1,900 white persons over the age of 21, 2,250 or 118.4 were registered voters. None of the 5,122 Negroes of voting age was registered. In still a third county, with a white voting population of 4,116, there were 6,130 registered white voters, or 148.9 per cent. Here only 56, or 6.1 per cent, of the 909 Negroes of voting age were registered voters.

Other recent government samplings revealed that in 100 counties of the Deep South, 89 per cent of all whites of voting age were registered and only 8.3 per cent of the Negroes. In 250 counties of the United States less than 15 per cent of the Negroes of voting age are registered to vote.

Can't this be explained by apathy and indifference on the part of Negroes?

In Belzoni, Miss., the minister who led a Negro voting drive was shot down on the courthouse steps in broad daylight, by men who warned him against carrying on his campaign. In Gadsden County, Fla., 300 Negro teachers were told they would lose their jobs if they tried to vote. In Selma, Ala., last year, hundreds of Negroes ran a gauntlet of armed state troopers and stood in line 8 hours without food or water in an attempt to register. In Fayette County, Tenn., Negroes who registered suffered serious economic retaliation. "Many Negroes lost their jobs," the Civil Rights Commission report for 1961 says. "A list of the 'culprits' was circulated. White merchants quit trading with them. Pressure was brought to prevent suppliers in Memphis from selling to them. Their credit was stopped; their loans called; their mortgages foreclosed. They could not buy the necessities of life. One white banker was quoted as saying, 'My secretary's got the names of the 325 who registered. I tell them, anybody on that list, no need coming into this bank. He'll get no crop loans here. Every store has got that list.' "

Such experiences are commonplace in some regions of this country; they are not exceptional cases. It is true

that even in places where Negroes can register freely, registration is sometimes low and apathy may be part of the reason. But it is only part. Intimidation is sufficiently widespread so that the U.S. Civil Rights Commission, in its 1963 annual report, says it is persuaded that "the right to vote, in large sections of the South is still denied to many citizens, solely because of their race."

The Civil Rights Acts of 1957 and 1960 were meant to protect voting rights. Why is new voting legislation needed?

The previous laws laid the groundwork for correcting some of the denials of voting rights, principally by empowering the Federal government to bring suits against states and registrars who engage in discriminatory practices. Even so, documentary evidence supplied to Congress shows that voting rights are still being circumvented by such methods as giving Negro voters harder literacy tests than whites; by requiring them to interpret difficult constitutional sections; by making applicants calculate their age to the exact day; and by subjecting them to special tests of their "good moral character." In its most recent report, the Civil Rights Commission finds that "after five years of Federal litigation, the conclusion is inevitable that present legal remedies for voter discrimination are inadequate."

To what extent does this provision apply to state and local elections?

Although it is primarily directed against discriminatory practices in Federal elections for President, Vice President, Senators and Representatives, it would include any election held "solely or in part for the purpose" of choosing such candidates. Thus, in some cases it would apply to state and local elections.

What is the constitutional basis for the voting provision?

Section 1 of the 15th Amendment says "the right of citizens of the United States to vote shall not be denied or abridged by the United States or any state on account of race, color or previous condition of servitude." Section 2 says, "The Congress shall have power to enforce this article by appropriate legislation." Section 4 of Article One gives Congress the power to make or alter regulations prescribed by the state for the election of Senators and Representatives.

Doesn't the bill interfere with a state's right to set voter qualifications?

No. It merely prohibits states from setting different standards for Negroes and whites voting in Federal elections. *The states would continue to be free to establish any voter qualifications they please so long as they apply them equally to all citizens.*

Why can't the whole matter be left to the states?

The continued failure of the states to protect all citizens equally in their right to vote has made Federal voting legislation necessary. Two members of the Civil Rights Commission, Robert G. Storey, head of the Southwestern Legal Foundation, Dallas, Tex., and Robert S. Rankin, chairman of the Department of Political Science, Duke University, Durham, N.C., men who have long championed states' rights, observed in the Commission's 1963 report that they have reluctantly come to recognize the need for new Federal voting laws because "the evil of arbitrary disfranchisement has not diminished materially. The responsibility which must march hand-in-hand with states' rights . . . has, as to the right to vote, often been ignored."

Title II — Relief against Discrimination in Places of Public Accommodation

"White people of whatever kind—prostitutes, narcotics pushers, Communists, or bank robbers—are welcome at establishments which will not admit certain of our Federal judges, ambassadors, and countless members of our Armed Forces."

—U.S. Attorney General Robert Kennedy, in testimony before the Senate Commerce Committee, July 1, 1963.

Summary of Title II It would prohibit discrimination in most hotels, motels and other places of lodging; restaurants, cafeterias and other eating places; motion picture houses, theaters, sports arenas, stadia and other places of exhibition and entertainment; gas stations; and such places as specialty shops and barber shops in hotels subject to the section and stores with eating facilities covered by the bill. An aggrieved individual or the U.S. Attorney General would be able to enforce these rights through injunctions or other civil actions. There is a specific exemption for small rooming houses with no more than five rooms to rent and used by the proprietors as their own residences.

Why is the matter of public accommodations such a burning issue to civil rights supporters?

Because no other form of discrimination touches people so directly in every aspect of their daily lives. None is more violative of the human dignity which is every man's birthright. Roy Wilkins, Executive Secretary of the NAACP, in testifying before the Senate Commerce Committee last year, put it this way: "From the time they (Negro Americans) leave home in the morning, enroute

to school or to work, to shopping or to visiting, until they return home at night, humiliation stalks them. Public transportation, eating establishments, hotels, lodging houses, theaters and motels, arenas, stadia, retail stores, markets and various other places and services catering to the general public offer them differentiated service or none at all."

Even a simple vacation trip by car, he pointed out, one of America's great national pleasures, can become a harrowing nightmare if one is colored and ventures into unfamiliar sections of the country. "How far do you drive each day? Where, and under what conditions can you and your family eat? Where can they use a rest room? Can you stop driving after a reasonable day behind the wheel or must you drive until you reach a city where relatives or friends will accommodate you and yours for the night? Will your children be denied a soft drink or an ice cream because they are not white?

"The players in this drama of frustration and indignity are not commas or semi-colons in a legislative thesis; they are *people,* human beings, citizens of the United States of America."

Are Negroes the only ones this provision is meant to help?

While Negro Americans suffer the major disabilities, many religious and national minority groups in this country also encounter discrimination in places offering public services. *This provision would require all Americans to be accorded equal treatment.*

Does the provision apply to doctors' offices?

No. It does not affect doctors. Nor dentists, lawyers or others offering the public professional services.

What about private homeowners?

The bill contains no provisions whatsoever that would affect the sale or rental of private homes.

How would the provision be enforced?

The Attorney General is authorized to undertake the settlement of all complaints by voluntary procedures. But where these fail, he can bring suit. An individual denied services protected by this Title can bring suit in his own name.

Won't this provision provoke irresponsible suits and harassment of businessmen?

The many jurisdictions that already have public accommodations laws have not experienced any rash of suits. Take the District of Columbia for example. It is more than 10

years since the U. S. Supreme Court reinstated an old public accommodations law, yet in a decade, in a city of nearly a million, with a population about 55 per cent Negro, only one complaint out of the relatively few filed has resulted in court action.

As a further deterrent , the courts may allow reasonable attorney's fees as part of the costs, against anyone who brings an irresponsible suit.

Is there any precedent for such legislation?

Abundant precedent. Thirty states and many cities now have laws requiring equal treatment of persons of all races in places of public accommodation. Most of these laws go further than the pending bill in their coverage and enforcement procedures. According to a recent survey, about 70 per cent of our population already lives in states that ban discrimination in places of public accommodation. Restaurants in train and bus stations are prohibited from discriminating by the Interstate Commerce Commission Act.

Wouldn't this provision create tension and unrest?

On the contrary, the greatest tension and unrest is found in those states which deny equal access to places open to the public. The Southern Regional Council, Inc. provides some evidence of this in its summary of the civil rights situation in 1963. It found that "during 1963 an estimated 930 individual public protest demonstrations took place in at least 115 cities in the 11 southern states.

"More than 20,083 of the persons, Negro and white, who have so demonstrated, were arrested.

"Thirty-five known bombings have occurred."

By contrast, states and cities with public accommodation laws have been relatively free of such incidents.

Shouldn't the provision be limited to large concerns, at least in the beginning?

An arbitrary exemption for small businesses would practically nullify the effectiveness of the bill. Under Secretary of Commerce Franklin D. Roosevelt, Jr., in testimony before the Senate Commerce Committee, said limiting coverage to businesses with annual sales of $150,000 or more would mean that in 10 cities—Atlanta, Birmingham, Dallas, Houston, Kansas City, Memphis, Miami, New Orleans, Richmond, Va. and St. Louis—at least 56 per cent of the variety stores, 76 per cent of the gas stations, 83 per cent of the eating places and 93 per cent of the drinking places would be excluded. This is discrimination based on size. It is also morally indefensible. It is just as wrong for a citizen to be denied service in a corner diner,

because of his race, religion or national origin, as in a fashionable restaurant. Fairness dictates that all places of public accommodation, large and small, be subject to the law.

Since some opponents of Title II say they would not object if its protections applied just to interstate commerce, how about limiting the guarantee of nondiscrimination to those who are demonstrably interstate travellers?

The vice of such proposals is that they set up new discriminations and introduce new difficulties of enforcement. A person on a long trip within a state gets just as tired and hungry as one travelling through many states. To require a restaurant or hotel to serve one and not the other is clearly discriminatory. And the burden would be on each traveller to prove, somehow, that he was travelling interstate in order to get service.

The Supreme Court has held that Congress is not limited to forbidding discrimination against interstate travellers but can protect local customers as well. The Court has held that Congress may "choose means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." Courts have also held it is a burden upon interstate commerce if travellers have to carry proof that they are on a trip through more than one state. To paraphrase Rep. Morris Udall (D., Ariz.) when he opposed a similar limit on the protection of Title II, during the recent House debate:

"From Mississippi to Wisconsin
You can dine with Howard Johnson.
But if you're on a county mission,
You can count on malnutrition."

Doesn't this provision interfere with a businessman's right to choose his customers?

Businessmen are still free to set standards as to whom they will and will not serve—*so long as they apply these standards equally*. A businessman is still free to refuse to serve the drunk, the disorderly and the disreputable. He could still set standards of dress and conduct for persons using his establishment. *But he would have to apply the same standards to all customers and he could not deny service to anyone solely because of race, religion or national origin.*

Doesn't the bill represent an invasion of a businessman's rights of private property and his freedom to conduct his business as he pleases?

In answering this question, the distinguished commentator Walter Lippmann, observed, "property is not absolute but is a system of rights and duties that are determined by society. . . . It is a primitive, naive and false view of

private property to urge that it is not subject to the laws which express the national purpose and the national conscience—among which have been for a hundred years the abolition of slavery and the admission of the Negroes to the rights of American citizenship."

Any businessman serving the public must comply with many Federal laws, local police regulations, health and fire codes on the theory, long upheld by the courts, that his self-interest can be subject to restraint in order to serve the broader public interest. Surely it is in the public interest to see that no person is humiliated or denied public services simply because of the color of his skin or his religion.

Ironically, many Southern states have segregation laws that impose severe restrictions upon businessmen who would like to serve everyone. Yet no opponent of the bill has ever protested that such curbs on whom a proprietor may serve are unwarranted government interference with his right to do business as he pleases.

Since considerable progress has been made in the voluntary desegregation of lunch counters and other places of public accommodation, why is a Federal law necessary?

The law would help encourage voluntary desegregation by setting uniform nation-wide standards and a nation-wide timetable for opening the kinds of places covered by the bill. Businessmen who are afraid to desegregate because it might offend local custom, would be able to say they are required by Federal law to serve everyone. Ivan Allen, Jr., mayor of Atlanta, made substantially these points when he testified before the Senate Commerce Committee in support of a Federal public accommodations law. Failure to pass such a law, he warned, "would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the nation. Cities like Atlanta might slip backward."

He said, "failure by Congress to take definite action at this time is by inference, an endorsement of the right of private business to practice racial discrimination and, in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past."

Is there a constitutional basis for this provision?

A very firm one. It is based on both the interstate commerce clause of the Constitution, which authorizes Congress to regulate commerce among the states and the 14th Amendment, which says "no state shall . . . deny to any person . . . the equal protection of the laws" and gives Congress power to enact laws to carry this out.

Numerous court decisions have held that the commerce clause powers are so broad Congress can use them even where particular activities are local, unimportant in size or involve retail trade.

Title III — Desegregation of Public Facilities

"It is no longer open to question that a State (or city) may not constitutionally require segregation of public facilities."

—ruling of a three-judge court in New Orleans, enjoining segregation in a municipal auditorium.

Summary of Title III The Attorney General would be empowered to initiate or intervene in suits aimed at desegregating public facilities other than schools—such as parks, libraries, hospitals and playgrounds—where the injured party is unable to pursue the remedy. He would also be authorized to intervene in private actions brought by persons seeking relief from a denial of equal protection of the law because of race, creed, color or national origin.

Why is this provision needed?

Although many courts have held it is unconstitutional to segregate public facilities, these decisions are not self-implementing. Violations of court orders continue to be widespread. Public beaches, hospitals, parks, reading rooms and other public facilities are still denied to colored citizens whose taxes help pay for them. This provision would be a new tool for opening these facilities.

Why should the Federal government bring these suits? Why can't an individual sue to protect his own rights?

Many people are financially unable to sue. Others face retaliation from hostile local officials and hostile neighbors if they do. Since the segregation sought to be ended here is imposed by the state and backed by the whole weight of state government, a private citizen faces an unequal struggle. The Federal government, alone, can help balance the scales by its participation.

Then, too, the protection of constitutional rights should not be left to chance nor to the uncertainty of private resources. The public interest is poorly served if private citizens and organizations must vindicate constitutional rights of national significance through litigation in the Federal courts.

Does Title III extend Federal authority into new areas?

No. It merely provides an additional remedy for the assurance of existing constitutional rights. In a long series of cases the courts have established that the right to desegregated public or governmental facilities is protected by the 14th Amendment.

In what kind of private actions would the Attorney General be authorized to intervene?

In actions brought by persons who felt they were being denied the equal protection of the law guaranteed by the Constitution. If this provision had been law in 1963, and a private suit had been brought by one of the injured persons, the government could have intervened and possibly enjoined Police Chief "Bull" Connor in his use of dogs and fire hoses against peaceful demonstrators in Birmingham.

Title IV Desegregaton of Public Education

"(In our school decisions we) never contemplated that the concept of 'deliberate speed' would countenance indefinite delay."
—The U.S. Supreme Court in Watson v. Memphis, May 27, 1963.

Summary of Title IV It authorizes the Attorney General to initiate or intervene in school desegregation cases. It provides for technical assistance, grants and training institutes to help communities prepare for school desegregation. But it exempts from its definition of desegregation, the transportation of students to end racial imbalance.

In view of the Supreme Court school decisions, why is this provision necessary?

Although 10 years have passed since the school decisions, nearly two-thirds of the previously segregated school districts still deny the rights of all children to an unsegregated education. More than 2,000 school districts still require white and Negro children to attend separate schools. Negro children who were just entering segregated grade schools at the time of the Supreme Court ruling in 1954 are now attending high school, without yet having received the educational opportunity to which they are constitutionally entitled.

What is more, many school districts listed as "inte-

grated" offer only token integration, since an all-white school with a single colored student is classified as a desegregated institution. *At the rate at which school desegregation has proceeded in the past 10 years, it will take more than 100 years to secure compliance with the court's decision.*

Are school districts obliged to accept the financial aid and technical assistance offered by this provision?

No. Such assistance is given *only* if local authorities ask for it. And there are no strings attached.

Won't these provisions put the Federal government in control of public education?

No. The Federal government would have no control whatsoever over the hiring or firing of teachers, the selection of textbooks or the choice of curriculum. Local authorities would continue to remain in complete control of their schools.

Could the government require the reorganization of school districts or the bussing of students to eliminate racial imbalance caused by residential segregation?

The Commissioner of Education cannot compel a local board to do anything it does not wish to do. And in defining "desegregation" the provision specifies that it "shall not mean the assignment of students to public schools in order to overcome racial imbalance."

Why is it necessary to give the U.S. Attorney General power to initiate school desegregation suits?

Compliance with the Supreme Court school decisions has simply been too slow. The power in this section would enable the Attorney General to implement the law of the land and hasten the enjoyment by all citizens of their constitutional rights.

Isn't the power to initiate school suits an unusually broad grant of authority for the Attorney General?

There is nothing extraordinary about giving the Attorney General such authority. There are now more than 50 statutes, having nothing to do with civil rights, that empower him to seek a court injunction. He can already initiate suits to protect voting rights guaranteed by the 14th and 15th Amendments. It follows he should have the authority to protect other citizenship rights where they are being flagrantly denied.

Title V — Commission on Civil Rights

"The outstanding success of the Commission to date proves how valuable it is and indicates that the public interest will be well served by extending its life."

—Former U.S. Attorney General William P. Rogers.

Summary of Title V It would extend the life of the Commission another four years and give it additional duties of investigating vote fraud cases and serving as a national clearing house on civil rights.

What enforcement powers would the Commission have?

None. It is essentially a fact-finding agency. Its studies provide information that Congress as well as many public and private agencies use for intelligent planning in the field of civil rights.

Why is it necessary to extend the life of the Commission four years?

Since the Commission was established in 1957, Congress has had to spend time in almost every session debating the short-term extensions of the agency. The Commission itself has suffered from this situation, since its uncertain future has made it difficult to attract good staff or to plan long-range projects.

Title VI — Nondiscrimination In Federally-Assisted Programs

"I will say this—I repeat it, I have said it again and again: wherever Federal funds are expended for anything, I do not see how any American can justify—legally, or logically, or morally—a discrimination in the expenditure of those funds as among our citizens. All are taxed to provide those funds. If there is any benefit to be derived from them, I think they must all share, regardless of such inconsequential factors as race and religion."

—President Dwight D. Eisenhower, press conference, March 19, 1953.

Summary of Title VI It would prohibit discrimination in any program or activity receiving Federal assistance under grant, contract or loan. It directs Federal agencies to establish programs of compliance and would authorize denial of funds to those programs that

discriminate. But any denial is subject to judicial review. A hearing is guaranteed before funds are cut off, and a report to Congress is also required before funds can be denied. Presidential approval is required before any general cut-off of funds is approved.

Why is the provision necessary? What is the principle on which it is based?

Although many court decisions clearly establish that discriminatory use of public funds is unconstitutional, such discriminations still continue. Suits by private taxpayers have no standing in attacking these conditions. The only recourse is Congressional or administrative action.

Since the funds for Federal programs come from taxes paid into the Treasury by all citizens, it seems only fair that all citizens should derive equal benefits from such programs. The purpose of the provision is *not* to cut off assistance. Rather, it is meant to make sure that public funds are not used to subsidize unconstitutional discriminations against any group of citizens.

Does the provision mean that individuals—widows, children of veterans, homeowners, farmers, elderly persons living on social security benefits—will be cut off if their states discriminate in the administration of Federally-supported programs?

No. The bill will not punish innocent beneficiaries of Federal aid for wrongs committed by others. It will not affect the individual farmer or homeowner who borrows money through a government agency. It would affect the distributor of those funds if the distributing agency refused to lend to Negroes but did lend to whites.

What safeguards are there against any agency making arbitrary use of its power to cut off funds?

All agency action is subject to full court review. Each agency is directed to try to seek compliance with its policy through voluntary means before stopping any funds. In addition, it must guarantee a hearing, obtain Presidential approval for a general cut-off of funds and file a report with Congress in all cases. An agency cannot act until 30 days after the report is filed.

Would the provision authorize withdrawal of all Federal assistance from a state that discriminates in a particular Federally-assisted program?

No. Any action a Federal agency takes to see that there is no discrimination in a program it administers applies to that program alone. Aid given under one program could not be cut off because of discrimination in another.

Is there much evidence of Federally-supported discrimination?

There are many glaring examples of the extent to which American taxpayers subsidize racial injustice:

- The Federal government gives more than $1 billion a year in grants-in-aid to 11 Southern states that condone discrimination as a matter of official policy.
- The Federal government pays more than 95 per cent of all National Guard operating funds, yet 11 states still require segregation in their Guard units.
- The Federal government gives the state of Mississippi about $2 million a year for its public schools, yet every public school in the state continues to be segregated 10 years after the Supreme Court school decision.
- The Federal government spent $750 million on research projects in 1960, yet in 7 states 43 per cent of all National Institute of Health grants and 41 per cent of all grants by the Atomic Energy Commission went to public universities and research centers that do not admit Negro students.
- State public employment offices are financed 100 per cent by the Federal government, nevertheless many offices maintain separate buildings, separate waiting rooms and separate job lists.

Title VII Equal Employment Opportunity

"The withholding of jobs and business opportunities from some people does not make more jobs and business opportunities for others. Such a policy merely tends to drag down the whole economic level. . . . Intolerance is a species of boycott and any business or job boycott is a cancer in the economic body of the nation. I repeat, intolerance is destructive; prejudice produces no wealth; discrimination is a fool's economy."

—Eric Johnston, former Chairman of the U.S. Chamber of Commerce.

Summary of Title VII Employers, labor unions and employment agencies whose activities affect interstate commerce would be prohibited from discriminating. Coverage would include employers and unions with 25 or more employees or members. But coverage would apply at first to those with 100 or more employees or members

and drop by stages to 25, after 4 years. An Equal Employment Opportunity Commission would be established to investigate and voluntarily settle complaints. Upon failure to settle, the Commission would be authorized to file suit to enforce nondiscrimination. Prohibited discriminations include sex, as well as race, creed, color or national origin. The House excluded from coverage those denied employment because they are atheists or communists.

Are job opportunities for Negroes so far behind those for whites that a Federal law is necessary?

The U.S. Department of Labor finds that Negroes have steadily and consistently fallen behind in terms of employment and that the gap is increasing. Its statistics show, for instance, that while in 1947 the nonwhite unemployment rate was 64 per cent higher than the rate for white workers, in 1952 it was 92 per cent higher; in 1957 it was 105 per cent and in 1962, 124 per cent higher. For Negro men 20 and over, unemployment totalled 11.9 per cent in the first three months of 1963, compared with 5.4 per cent for whites. During the past eight years, unemployment has been twice as heavy among employable Negroes as it has been among whites.

Do other minority groups suffer job discrimination?

While Negroes are the most disadvantaged, discriminations are often just as severe against Jews, Catholics, Indians, Mexicans, Puerto Ricans, Japanese-Americans and other racial and religious minorities.

Wouldn't an FEPC law give Negroes preferential treatment over whites in hiring and upgrading?

No. Nothing in the bill permits any individual to demand employment simply because of race. It contains no provision requiring an employer to set up a quota system or to maintain any kind of racial or religious "balance." Indeed, preferential treatment of Negroes or any minority group would violate this section. Its whole point is that all workers should be treated equally.

Doesn't the bill give the Federal government control over the employment practices of private businesses?

No. It does not permit the government to control the internal affairs of employers or to tell them whom to hire or fire. Employers are permitted to set any job qualifications

they wish except those of race, religion, creed, national origin or sex, where these are irrelevant.

Does the provision give the government any control over the affairs of unions?

No. It simply bars unions from denying or limiting membership to anyone or keeping them from a job because of race, color, religion, sex or national origin. Far from seeing this as a restraint on their freedom, the major labor organizations in this country strongly support the bill as an essential weapon in their efforts to curb the activities of the relatively few unions that still deny opportunities to Negroes and other minorities.

Does the bill give the Commission too much power?

No, the Commission has no powers of enforcement. Its authority extends only to the investigation of complaints and it attempts to settle them by voluntary means. Where voluntary methods fail, enforcement rests exclusively with the Federal courts and an accused party would have full rights of appeal.

Isn't this a radical new proposal?

Such job protection is as old as the Executive order Franklin D. Roosevelt issued in 1941 barring employment discrimination in defense industries and government. FEPC bills have been reported on favorably by Congressional Committees in both the House and Senate in every Congress for the past 20 years. As far back as 1944 the Republican platform specifically endorsed an FEPC and the Democratic platform, as recently as 1960. Unfortunately, no FEPC bill has ever been brought to a vote in the Senate.

Doesn't the provision represent an encroachment of the Federal government upon states' rights?

Where states have effective FEPC laws consistent with this section, those laws would in no way be affected by this legislation. What is more, the Commission is authorized to refrain from taking any action in such states.

Twenty-six states already have laws prohibiting racial and religious discrimination in employment. The bill would simply extend this protection into all 50 states.

What is the economic impact of discrimination?

The cost is staggering. The President's Council of Economic

Advisors, in 1962, calculated that because of racial discrimination, the nation's economy loses between $13 and $17 billion a year in national income and product. If Negro incomes could be raised to a level comparable to that of whites, Negroes would be able to spend almost $12 billion a year more on food, clothing, housing and other consumer products, giving the economy a powerful boost. On the other hand, our inability to use the nation's manpower resources fully has greatly slowed down economic growth. Beyond calculation, is the effect on young people who are discouraged by discrimination from attempting to prepare themselves for useful careers and become dropouts, delinquents and unemployables.

Why is this provision so important?

Unless we can assure employment, many of the other rights it is the intention of this bill to protect would become illusory. It does not help a man to know that all restaurants, theaters and hotels are open to him, if he is unable to earn enough to enjoy them.

Title VIII Registration and Voting Statistics

". . . a jealous care of the right of election by the people—a mild and safe corrective of abuses. . . ."

—Thomas Jefferson, First Inaugural Address, 1801.

Summary of Title VIII It directs the Secretary of Commerce to conduct a voting census by race in geographic areas recommended by the U.S. Civil Rights Commission.

What is the purpose of this provision?

It offers another way of protecting the right to vote from unjust restrictions. The census would provide data that could be used to enforce Section 2 of the 14th Amendment. That provides that where the right to vote in Federal or state elections is denied, the basis of the state's representation in the House of Representatives will be correspondingly reduced. Even if that sanction is not invoked, adopting this provision would help curb abuses.

Title IX — Removal Proceedings in Civil Rights Cases

". . . this inability to appeal remand orders has effectively barred citizens from obtaining a redress to their denial of civil rights."

—Rep. William McCulloch (R., O.) and six other Republican members of the House Judiciary Committee, in views on H.R. 7152.

Summary of Title IX The orders of Federal courts sending certain civil rights cases back to state courts are not now reviewable. This would make them reviewable by appeal.

What is the purpose of this provision?

Under Federal law, a case begun in a state court that appears to raise substantial constitutional or Federal questions, may be "removed" to a Federal court. If the judge in the Federal District Court decides, in an "equal protection of the law" case, that removal is improper, the case goes back to the state court. No appeal is allowed from the District Court judge's decision. A number of District Court judges in the South have consistently referred civil rights cases back to hostile state courts. This section would allow appeals from such arbitrary decisions to higher courts.

Title X — Establishment of Community Relations Service

". . . the objective of the Community Relations Service is to settle race problems across the conference table if humanly possible. . . ."

—Rep. Wm. J. Randall (D., Mo.) during House debate, Feb. 10, 1964.

Summary of Title X It would establish in the Department of Commerce, a Community Relations Service with personnel limited to six persons.

What is the purpose of the Service?

It would provide assistance to communities trying to resolve disputes relating to discriminatory practices that impair

constitutional rights or may affect interstate commerce. It may offer its services whenever it believes peaceful relations are threatened and may do so on its own motion or at the request of local officials. The provision was suggested by Southern members and added to the bill without objection during the House debate.

Title XI — Miscellaneous: Financing, Severability, Preemption

"The struggle of today, is not altogether for today—it is for a vast future also. With a reliance on Providence, all the more firm and earnest, let us proceed in the great task which events have devolved upon us."

—Abraham Lincoln, Message to Congress, 1861.

Summary of Title XI It contains a number of customary provisions. One, authorizes appropriations to carry out the purposes of the bill. Another—a "severability clause"—says that if any provision of the act is held invalid, the rest of the act shall not be affected. A fairly standard "preemption" clause, added during floor debate, specifies that nothing in the Act shall be construed as indicating an intent on the part of Congress "to occupy the field in which any . . . title operates to the exclusion of State laws on the same subject. . . ."

What effect does this provision have on state laws?

Where adequate state laws exist, offering protections equal to those in the bill, they will remain in effect. The government is expressly forbidden to preempt the field and take it over.

some general observations on civil rights, prejudice and education

"I ask you to look into your hearts—not in search of charity, for the Negro neither wants nor needs condescension—but for the one plain, proud and priceless quality that unites us all as Americans: a sense of justice. In this year of the Emancipation Centennial, justice requires us to insure the blessings of liberty for all Americans and their posterity—not merely for reasons of economic efficiency, world diplomacy and domestic tranquility—but, above all, because it is right."

—John F. Kennedy, Message to Congress, June 19, 1963.

Doesn't this bill attempt the impossible task of trying to abolish prejudice by law?

No. The bill says nothing about prejudice. That is a state of mind and a man has a right to his individual prejudices no matter how wrongly conceived they are. But he has no right, in a democracy, to translate his prejudices into actions that deny or infringe the rights and liberties of others.

Laws cannot and should not dictate a man's private thoughts and wishes. They can and should prevent the harmful consequences of those thoughts and wishes. A man cannot be forced to love his wife and children but laws can compel him to support them if he is able to do so. The 18th Amendment failed because it interfered with the private desire of millions of Americans to have a drink. But laws against drunken driving have proved necessary and effective.

The whole purpose of this bill is not to make bad people good but rather to make good people safe.

Can't the problem of discrimination be handled through education?

That question assumes education and legislation are separate and opposing things. Actually, they complement each other. *The law itself is a powerful instrument for education.* It was necessary to pass laws making school attendance compulsory before our educational system was able to function effectively. After thousands of years it is still necessary to have laws against murder to enforce the ethical teaching of "Thou Shalt Not Kill."

who supports the bill?

Millions of Americans. With a unanimity unique in the history of our country, several millions have joined in support of this legislation through their national religious, civic, labor and fraternal groups. They may and do differ on many issues. They are united, through the LEADERSHIP CONFERENCE ON CIVIL RIGHTS, in working to persuade the 88th Congress to pass a strong, effective bill. Through more than 80 groups that cooperate in the Conference, they represent an affirmation by the majority of the people in this country of President Johnson's declaration, in his first State of the Union Message, that "as far as the writ of Federal law will run, we must abolish not some but all racial discrimination."

Here is a list of the groups cooperating in the Conference:

cooperating organizations

A. M. E. Zion Church
Alpha Kappa Alpha Sorority
Alpha Phi Alpha Fraternity
Amalgamated Clothing Workers of America
Amalgamated Meat Cutters and Butcher Workmen
American Civil Liberties Union
American Ethical Union
AFL-CIO
American Jewish Committee
American Jewish Congress
American Newspaper Guild
American Veterans Committee
Americans for Democratic Action
Anti-Defamation League of B'nai B'rith
B'nai B'rith Women
Brotherhood of Sleeping Car Porters
Catholic Interracial Council
Christian Family Movement
Christian Methodist Episcopal Church
Church of the Brethren Service Commission
Citizens' Lobby for Freedom and Fair Play
Congress of Racial Equality
Council for Christian Social Action—United Church of Christ
Delta Sigma Theta Sorority
Frontiers International
Hadassah
Hotel, Restaurant Employees & Bartenders International Union
Improved Benevolent & Protective Order of Elks of the World
Industrial Union Department, AFL-CIO.
International Ladies Garment Workers Union of America

International Union of Electrical, Radio & Machine Workers
Japanese American Citizens League
Jewish Labor Committee
Jewish War Veterans
Labor Zionist Organization of America
National Alliance of Postal Employees
National Association for the Advancement of Colored People
National Association of Colored Women's Clubs, Inc.
National Association of Negro Business & Professional Women's Clubs, Inc.
National Association Real Estate Brokers, Inc.
National Baptist Convention, USA
National Bar Association
National Beauty Culturists League, Inc.
National Catholic Social Action Conference
National Catholic Conference for Interracial Justice
National Community Relations Advisory Council
National Council of Catholic Men
National Council of Catholic Women
National Council of Churches—Commission on Religion and Race
National Council of Jewish Women
National Council of Negro Women
National Farmers Union
National Medical Association
National Newspaper Publishers Association
National Student Christian Federation
National Urban League
Negro American Labor Council
North American Federation of the Third Order of St. Francis
Phi Beta Sigma Fraternity
Phi Delta Kappa Sorority
Pioneer Women
Presbyterian Interracial Council
Retail, Wholesale & Department Store Union
Southern Christian Leadership Conference
State, County, Municipal Employees
Student Nonviolent Coordinating Committee
Textile Workers Union of America
Transport Workers Union of America
Union of American Hebrew Congregations
Unitarian Universalist Association—Commission on Religion and Race
Unitarian Universalist Fellowship for Social Justice
United Automobile Workers of America
United Church Women
United Hebrew Trades
United Packinghouse, Food & Allied Workers
United Rubber Workers
United Steelworkers of America
United Synagogue of America
United Transport Service Employees of America
Women's International League for Peace and Freedom
Workers Defense League
Workmen's Circle
Young Women's Christian Association of the U.S.A.
Zeta Phi Beta Sorority

what you can do to help

By Yourself

If you, alone with your newspaper, are appalled by the pictures and stories of fellow Americans who are beaten, hosed and bitten because they seek only to establish their right to eat in a public place or vote. If you, alone with your conscience, believe all citizens have equal rights which equal laws should protect, or if you regret you are not in the front lines of the civil rights struggle, you have a part to play in the passage of this legislation. H.R. 7152 is now before the U. S. Senate. You can begin tonight to help get the bill passed by writing to your Senators.

☞ *When you write, be specific.* Don't just say you're for civil rights. Urge your Senators to:

(1) support the bill in its present form;

(2) vote against all weakening amendments.

A correct vote on the bill, however, is not enough. Be sure to tell them that if they support the legislation they should stay close to the Senate floor, ready to answer quorum calls, ready to oppose any attempt to set the bill aside and ready to work to bring any filibuster to an end *without compromise.*

Form of Address (when writing to Senators)

The Honorable .....
Senate Office Building
Washington 25, D.C.

Dear Senator:

In Your Community

Each one of us can widen the circle of our efforts. What we can do, friends, neighbors and associates can do.

☞ *In Organizations*—In churches, unions, lodges, sororities, fraternities and civic groups get fellow members to organize "write-in" meetings to start floods of mail toward the Senate. Get them to organize marches to the post office; mass rallies at which letters are the admission price. Get them to hold forums and discussions on civil rights and issue resolutions supporting the bill. Contact other interested organizations and set up state-wide coordinating bodies.

☞ *In churches and synagogues*—All over the country, clergymen are organizing churchmen's committees for civil rights. Speak to your minister, priest or rabbi about organizing one in your community.

In Political Groups Make politics work for civil rights.

☞ Officials of local and state political parties are an important influence on Congress. Ward leaders, county committeemen, the state leader and the national committeemen and women are often responsible for the nomination of the Senators you are asking to vote our way. Call on these men and women of both parties, and ask them to make public their support of H.R. 7152. Urge them to let Senators know of their support. In all these approaches, designate as your spokesmen persons identified as good Republicans or good Democrats.

☞ Get your state legislature to adopt resolutions memorializing Congress to pass the bill. Statements by mayors and governors also influence Senators.

☞ Visit your Senators when they are home. Many of them get back to their states for weekends. Try to visit them or see that their staff members are informed of your group's interest in the bill.

With Mass Media Whenever your organize a big distribution of civil rights material or a letter-writing campaign or a special rally or meeting or visit your local political leaders or Senators, let the news media know. Your work is a hundred times more far-reaching if it gets public attention through press, TV and radio.

☞ Send letters to the editors of your state newspapers. Get those who are sympathetic to write supporting editorials and then have your Senators insert them in the Congressional Record.

☞ Try to get your local radio and TV stations to present panel discussions or forums on the civil rights bill.

Whatever you do, remember. We have only a short time in which to accomplish our purpose. *Act and act now.* "Democracy," as Franklin D. Roosevelt once said, "is not a static thing. It is an everlasting march."

If we can be of any help, write or call us:

LEADERSHIP CONFERENCE ON CIVIL RIGHTS

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Area Code 202